THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 16987 of 2005

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Dated:02.08.2005

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P.Ramakrishna Reddy, S/o.Rama Chandra Reddy,

Aged about 40 years, Fair Price Shop Dealer, ODC-II,

O.D.Cheruvu Mandal, Ananthapur District.

----------Petitioner

The Collector and the District Magistrate, Ananthapur,

Ananthapur District and others

----------Respondents

ORDER:

The petitioner is functioning as a dealer of fair price shop at O.D.Cheruvu Village and Mandal. Some surrounding Hamlets are attached to his shop. Respondents 1 and 2 have carved out a separate shop for the Hamlet of Akutotapalli and appointed the 5th respondent as its dealer through proceedings, dated 17.07.2005. The petitioner filed an appeal before the 6th respondent against the bifurcation of his shop. He also filed an application for interim orders. The 6th respondent took the appeal on record, but rejected the application for stay through his order, dated 28.07.2005. This writ petition is filed challenging the same.

The learned counsel for the petitioner submits that the bifurcation of his shop is contrary to the circulars issued by the Government and it brings about inviability for both the shops. He further submits that though the 5th respondent was appointed as Fair price Shop dealer on temporary basis on 17.07.2005, he has not yet started functioning.

The learned Government Pleader for Civil Supplies, on the other hand, submits that according to his instructions, the 5th respondent has taken out Demand Draft for the purpose of supply of essential commodities to the newly created shop.

The petitioner availed the remedy of appeal before the 6th respondent aggrieved by the order of bifurcation. It is true that the 6th respondent did not assign any reasons while rejecting the application for stay. However, the order of rejection cannot be found fault with, only on the ground that the petitioner was not given an opportunity or that reasons were not stated therein. In an administrative exercise, at that stage, it is difficult to expect a reasoned and detailed order. Much would depend on the subjective satisfaction of the appellate authority.

Learned counsel for the petitioner points out that in identical matters, the 6th respondent had set aside the orders of bifurcation. This Court is not impressed by any of these submissions at this stage. To resolve this controversy, the 6th respondent can be directed to dispose of the appeal itself, at the earliest possible time, and by directing maintainance of *status quo* obtaining as of now.

Hence, the writ petition is disposed of directing the 6th respondent to dispose of the appeal preferred by the petitioner within four weeks from the date of receipt of a copy of this order. Pending disposal of the appeal, *status quo* obtaining as on today, as regards the functioning of the petitioner as dealer, shall be maintained. To be more clear, it is directed that in case, the 5th respondent has not taken out any D.D. as yet, for supply of essential commodities, the

petitioner shall be permitted to lift the stock for the shop as in the past, till the disposal of the appeal. There shall be no order as to costs.

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02.08.2005

Note: Issue C.C. tomorrow.

(B/o)

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